

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, December 10, 2004 – 7:00 a.m.
Saturday, December 11, 2004 – 8:00 a.m.
Peoria City Council Chambers
8401 W. Monroe St.
Peoria, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Chilton called the meeting to order at 7:10 a.m. The Commissioners introduced themselves and Chairman Chilton introduced the Director's staff.

The meeting followed an agenda revision dated December 7, 2004.

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1. Executive Session

- a. Personal Matters. Evaluation of the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1).
- b. Purchase, Sale, or Lease of Real Property. Discussion, consultation, and instruction with attorneys and Department staff concerning negotiations for the purchase, sale, or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- c. Legal Counsel. *Montoya v. Manning*, CIV98-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*, *Center for Biological Diversity v. Norton*, 03 CV-01558 RCL, and *Audubon Society of Portland v. USFWS*, CV04-670-KI.
- d. Legal Counsel Regarding the Silverbell Bighorn Sheep Herd. Discussion and consultation with legal counsel in order to consider position and instruct legal counsel regarding the Commission's position on possible settlement or litigation over the damages associated with the epizootic episode in the Silverbell Bighorn Sheep Herd.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 7:12 a.m.

Meeting reconvened at 9:10 a.m.

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Chairman Chilton called the meeting to order at 9:10 a.m. The Commissioners introduced themselves and Chairman Chilton introduced the Director's staff. The meeting followed an agenda revision dated December 7, 2004. Director Shroufe noted that a couple of Items will be moved forward to accommodate guest speakers, specifically Item 21, for Mr. Jim Walsh, Chief Deputy Attorney General, and Item 15 for Randy Smith, President of the Arizona Game Rangers Association.

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2. Litigation Report

A copy of the update, which was provided to the Commission prior to today's meeting, is included as part of these minutes. There was no additional information to be reviewed and no comments or questions from the Commission.

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3. Discussion with the Director of the Arizona Department of Water Resources concerning the State's interests in the lawsuit *Phelps Dodge Corp. V. Arizona Department of Water Resources*.

Presenter: Bob Broscheid, Habitat Branch Chief

The Director of the Arizona Department of Water Resources (ADWR), Herb Guenther, addressed the Commission on the State's interests that are affected if state law authorizes ADWR to issue permits to appropriate water for instream flow. This authority is currently under challenge in the case *Phelps Dodge Corp. v. Arizona Department of Water Resources*. As a former Game and Fish Commissioner, the current ADWR Director provided a unique perspective on this matter. The Commission asked the Director of ADWR to address the Commission on this topic before the Commission makes a decision on whether to participate as an amicus curie in the litigation. Director Guenther provided an informational packet regarding the case to the Commission and to Jim Odenkirk, and answered questions presented by the Commission.

Comments by Director Guenther to the Commission:

If the court finds in favor of Phelps Dodge then ADWR would have to remand permits already issued and put into place new legislation, which would authorize those permits, and additional rules, which would give ADWR a process through the Administrative Procedures Act. Basically, ADWR would go back and reissue instream permits, including the ones the Game and

Fish Department holds. If unable to reissue permits, it would impact all of us, especially the management of fish and wildlife in the state.

The basic issue is one of rights and the priority of those rights. In Director Guenther's opinion, the real issue is that Phelps Dodge has certain water rights around the state, and in the mining industry, sometimes they like to move those water rights from one location to another, if market conditions change or new ore bodies are found or new technologies allow for additional mining of previously unrealistic ore bodies. In doing that, they are afraid that perhaps the instream flow right could interfere with their sever and transfer rights to move that water. For example, if you had a senior water right down stream of an instream flow right and you wanted to move that upstream even though the instream flow right was junior, that instream flow right could prevent you from moving that consumptive right upstream.

The question in this case is whether or not we have the authority to issue instream flow rights. Issues with the hatcheries would deal with sever and transfer laws, not with the authority of instream flow laws. It's a totally separate issue, but one opens the door to the other. If you were to eliminate the authority to issue instream flow permits, then sever and transfer would not be an issue with regard to instream flow rights. But, then the Department would not be able to hold instream flow rights for the purpose of maintaining fisheries and riparian systems. That would go away and you would be at the mercy of the consumptive user. It is a policy consideration, sever and transfer, but it is not a part of this case.

There would be no impact on agriculture rights, unless it would be involved with a sever and transfer and not an issue for instream flow.

It's unknown how surface and ground water adjudication issues might affect the Department's ability to utilize the water rights that it has.

After further discussion, the Commission decided to take action on this matter.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO PARTICIPATE IN AMICUS CURIE IN THE LITIGATION UNDER CHALLENGE IN THE CASE OF PHELPS DODGE CORPORATION VERSUS ARIZONA DEPARTMENT OF WATER RESOURCES.

Vote: Aye: Gilstrap, Melton, Golightly, McLean

Nay: Chilton

Motion passed 4 to 1

Chairman Chilton stated that her decision was based on the issue at hand, which was about ADWR having authority to issue permits, and not about instream flow rights.

Jim Odenkirk stated that the Attorney General's office will review the existing briefs of the parties and determine whether or not there is anything further to add to those briefs and whether or not an amicus brief is appropriate.

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4. Commission briefing on the Terms and Conditions of the Zuni Water Rights Settlement Agreement Between the Zuni Indian Tribe and the United States of America.

Presenter: Bob Broscheid, Habitat Branch Chief

The purpose of the Zuni Settlement Agreement between the United States of America and the Zuni Indian Tribe is to resolve claims of underground and surface waters rights within the Little Colorado River (LCR) Drainage. The Zuni Settlement Agreement requires appropriations by the United States (\$18,750,000) and the State of Arizona (\$1,613,000) for use by the Zuni Tribe. In addition, the Settlement Agreement requires the Commission to contribute up to \$6,000,000 from the Heritage fund or other state resources for the acquisition of 1,000 acre-feet of irrigation and/or surface water rights to be delivered annually to Lyman Reservoir. The 1,000 acre-feet of water acquired by the Commission will be used to restore and support wetland habitats known as "Zuni Heaven."

In addition to future acquisitions, water rights associated with the following Commission-owned properties may contribute to the Zuni Settlement Agreement: Sipe White Mountain, Becker Lake, Enders Parcel, Wenima Riparian Corridor, and Lee Valley Lake. The Commission currently holds water rights upstream from Lyman Reservoir that need to be evaluated to determine their applicability in meeting the requirements of the Settlement Agreement. If necessary, the Department would seek acquisition of additional properties/water rights to meet the 1,000 acre-feet target.

The main factor in considering whether existing or future Commission-owned properties/water rights are eligible is based on whether or not water can actually be delivered to Lyman Lake. To determine this information, a certified Hydrologist would be necessary to conduct the necessary assessments and then coordinate those findings with the Zuni Indian Tribe and other parties to the Agreement.

As such, the Department is requesting direction from the Commission on how to proceed with satisfying the terms and conditions of the Settlement Agreement.

Considerations are:

1. Timing (immediately pursue or carry-out over the next 15 years).
2. Funding (use IIPAM land Acquisition only or blend several funding sources).
3. Staffing needs (approve funding to conduct appropriate and necessary hydrological studies).

After considerable discussion regarding legalities, funding, and impacts to the environment, Mr. Broscheid proceeded with his recommendation, which was accepted as stated.

Motion: Moved by Gilstrap and seconded by Melton THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO PURSUE THE TERMS AND CONDITIONS IN THE SETTLEMENT AGREEMENT SPECIFIC TO THE ARIZONA GAME AND FISH COMMISSION'S OBLIGATIONS AS A PRIORITY UTILIZING IIPAM LAND ACQUISITION AND OTHER FUNDING SOURCES, AND IDENTIFY SPECIFIC FUNDING SOURCES, AND IDENTIFY SPECIFIC FUNDING TO CONDUCT THE NECESSARY HYDROLOGICAL ANALYSES AND OTHER TECHNICAL WORK ASSOCIATED WITH

THE IMPLEMENTATION OF THE SETTLEMENT AGREEMENT AND THE EVALUATION OF EXISTING AND/OR FUTURE COMMISSION-OWNED OR MANAGED PROPERTIES.

Vote: Unanimous

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5. Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.

Presenter: Bob Broscheid, Habitat Branch Chief

A copy of the printed update titled Lands Update was provided to the Commission prior to this meeting and is included as part of these minutes.

Mr. Broscheid briefed the Commission on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other related matters. This update was in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Legislation is being drafted for the introduction of a bill some time between March and April of 2005. The friends of the Tumacacori Highlands have had dialogue with Senator McCain and Kyl's office as well as the ranching community (the entities that have the allotments within the proposed wilderness area) and even brief discussions with the Forest Service. The Department discussed critical access routes in the area that we would like to see remain open and specific language included in the bill. Also discussed were border patrol issues and wildlife activities that would occur, that we would like to continue to occur in that area.

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Meeting recessed for a 5 minute break

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21. Discussion of Legal Counsel for the Commission.

Presenter: Duane Shroufe, Director

Director Shroufe introduced Chief Deputy Attorney General Jim Walsh, who addressed legal concerns of the Commission regarding personal liability. Mr. Walsh stated that if a Commissioner were sued, under most of the principles on which people are (Section 1983 of the Federal Civil Rights Act), the Attorney General's office would provide a defense or provide if damages were being sought through their liability management section; a lawyer for representation or, if necessary, representation from separate council. Also, any damages entered against a Commission member, almost under any circumstance imaginable, would also be a matter of self insurance for the State of Arizona; a matter that would be taken care of by Risk Management at the Department of Administration, not from a Commissioner's personal assets.

Commissioner Gilstrap raised concerns that there may be a separation of authority in role and responsibility between the Department and the Commission, and whether or not the same legal advice is appropriate for someone who is employed by the Department and the Attorney General's office as compared to having an allegiance to the Commission. Mr. Walsh stated that this was a concern in other areas of State government as well. Because of this situation, an ethically sound way to address it has been devised through the Unit for Separate Independent Counsel inside the Solicitor General's office.

Commissioner McLean stated that another issue arises when we, as a Commission, are determining whether or not to direct the Attorney General on our behalf to intervene in lawsuits. Commissioner McLean's understanding is that those requests have been forwarded to the Governor and that the Governor, through counsel, determines whether or not the Governor would allow the Commission to intervene. Commissioner McLean's understanding, from conversation with Jim Odenkirk and with others at the Governor's office, is that the Governor's counsel has said we can make those determinations on our own. The issue is what is the Attorney General's position, because we understand that the Attorney General says we have to go to the Governor, and the Governor's office says we don't.

Mr. Walsh stated that unlike statutes that govern other Boards and Commissions, the Game and Fish Commission statute does not say that among your powers and duties listed, you can sue. That's where this all comes from and so it's been determined that if the Commission can't sue on its own, the Governor can authorize the Commission to sue and that's why we have said if the Commission wishes to sue, intervene, join a suit, or be in amicus, it should get approval from the Governor's office. If the Commission wishes to make these decisions, the Governor could delegate to the Commission the ability to do so. The Attorney General's office would recognize and honor such delegation and then the Governor would not be in the picture other than from a comity standpoint. If that is the Commission's desire, the Attorney General's Office would support it and try to make sure that the delegation is appropriately given, so that we don't have this question arising every time you want to make that kind of decision. What we need is a clear and comprehensive delegation over the period of time the Governor wishes to make the delegation, and if that's your desire, and it's understood from Director Shroufe that it is, then we'll work on that.

Mr. Walsh stated that a letter from the Governor's Chief Counsel is what we need to put an end to the matter for the time being and offered to assist or draft a letter for the Governor's office.

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8.d. Implementing Agreement and Funding Management Agreement for the Lower Colorado River Multi-Species Conservation Program.

Presenter: Bob Broscheid, Habitat Branch Chief

For the past decade, the Arizona Game and Fish Department has been actively involved in the Lower Colorado River Multi-Species Program (LCR MSCP) as a permittee and active member of the Steering Committee.

Since the LCR MSCP will be implemented over the next 50 years, the parties desire to enter into an Implementation Agreement (IA) and Funding Management Agreement (FMA). The IA will provide for the implementation of the terms of the Habitat Conservation Plan, describes remedies and recourse if any party fails to perform obligations as set forth in the Agreement, and will provide assurances to the permittees that no additional mitigation will be required when approved by the USFWS. The FMA will provide for the administration, financing and implementation for the management of the LCR MSCP, establish the Federal and non-federal cost share, and establish a mechanism for future contributions to the LCR MSCP.

Funding: The total cost of the Program is \$626 million over 50 years.

- Federal government 50%
- States of California 25%, Nevada 12.5%
- Arizona 12.5% (average annual cost to Arizona is approximately \$1.6 million)

Each Arizona participant's share of the Program continues to be negotiated. To provide the funding assurance to the Federal Government to move the Program forward, a number of the non-federal Parties have agreed to underwrite the Program while seeking legislation and structuring mechanisms for Arizona's portion is developed and implemented.

Herb Guenther, Director of the Arizona Department of Water Resources, addressed the Commission and requested that the Commission authorize their lobbyist to work the full spectrum of the legislation, where appropriate, with those members of the legislature with which they have influence. Together we can get this done to assure that our water will continue to support the purposes for which it was intended and also to avoid unnecessary conflicts between endangered species on the river system and the water users community.

Motion: Melton moved and McLean seconded TO APPROVE THE IMPLEMENTING AGREEMENT AND FUNDING MANAGEMENT AGREEMENT FOR THE LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM OR AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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10. Deer Valley Complex Master Planning Project

Presenter: Richard Rico, Assistant Director

At the October 2003 Commission meeting the Commission directed the Department to initiate a Headquarters Master Planning Committee. The purpose of this committee was to evaluate and make recommendations regarding site selection, conceptual plans, potential financing packages and associated timelines for the construction of a new headquarters facility.

Mr. Rico provided the Commission with a Power Point presentation summarizing the committee's findings and recommendations. The proposed site is 30 acres in the southwest corner of the Ben Avery Shooting Facility. Some of the issues with the current Deer Valley location include roofing, space, Americans with Disability Act accommodations, split facility

(north and south sides of a main road), parking, and aged facilities. Additional considerations for the Ben Avery site were that the entire agency would be at one site, accessibility would be improved, considerable increase in meeting and storage space, improved security, and room to grow. This administrative complex would also include a site for the Adobe Mountain Wildlife Facility and the proposed Wildlife for Tomorrow Educational Facility.

After further discussion, the Commission decided to take action on this matter.

Motion: Gilstrap moved and Melton seconded THAT THE DEPARTMENT INITIATE THE REQUEST FOR PROPOSAL PROCESS (RFP) TO SELECT A QUALIFIED VENDOR AND TO PROCEED WITH THE DEVELOPMENT OF A FINALIZED PACKAGE FOR THE CONSTRUCTION OF A NEW HEADQUARTERS FACILITY FOR COMMISSION APPROVAL.

Public Comment

Steve Hirsch, President of Wildlife for Tomorrow, encouraged the Commission to approve the 30 acres at the Ben Avery location. The WFT intend to build a separate building using their own funds. The WFT board is energized, with fundraisers in place, ready to work with Director Shroufe to develop the Wildlife Conservation Learning Center.

Commissioner McLean inquired about two subjects, disposition of the Deer Valley Complex and furnishings for the new complex. With Commission approval, funds from the sale of the Deer Valley location could go to pay down the debt for the new complex and furnishings are included in the square footage estimate.

Commissioner Melton raised concerns about the Department's debt. Director Shroufe stated that in the past, the Department has done an admirable job in paying off debt, and that it would be his intention to look at ways to pay this debt off as quickly as possible.

Commissioner McLean clarified that there is a 30 acre site located at the southwestern corner of the Ben Avery Shooting Facility that has been, and will continue to be, designated as the Headquarters, Wildlife for Tomorrow, and Adobe Mountain site. And, that there are others sites along the frontage of the Carefree Highway that may in the future be considered and designated for other uses, which could include non-shooting sport uses.

Public Comment

Mr. Hirsch reminded the Commissioners that today's vote was only in regards to the designated 30 acres in the southwestern corner.

Vote: Unanimous

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Meeting recessed at 11:22 a.m.

Meeting reconvened at 12:50 p.m.

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6. First Read to Consider a Draft Policy Statement in Support of Building Rural Partnerships to Conserve Habitat and Promote Recreational Access in Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The purpose of the Draft Policy Statement is to reinforce the Commission and Department's commitment to work cooperatively with rural landowners on fish and wildlife resource and recreational issues at the local level.

The Commission was asked to consider the language and intent of a draft Policy Statement that supports building rural partnerships in order to conserve wildlife habitats and promote recreational access in Arizona. Following discussion and direction from the Commission, the Department will present the final draft of this Policy Statement to the Commission at a future meeting for approval.

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7. Request for the Commission to Approve a Collection Agreement Between Pima County and the Commission to Facilitate the County's Acquisition of the Old Hayhook Ranch Property.

Presenter: Bob Broscheid, Habitat Branch Chief

The U.S. fish and Wildlife Service (USFWS) approved Pima County's proposal and request for Federal assistance (under the Endangered Species Recovery Land Acquisition Program) to acquire the 839-acre Old Hayhook Ranch Property that is adjacent to the Coyote Mountain Wilderness. The Collection Agreement is necessary to provide USFWS dollars, through the Department, to Pima County for the acquisition of the property. In addition, the Collection Agreement outlines the County's land management responsibilities in accordance with the County's Grant Proposal and the USFWS's Recovery Land Acquisition Program.

Motion: Melton moved and McLean seconded TO APPROVE A COLLECTION AGREEMENT BETWEEN PIMA COUNTY AND THE COMMISSION TO FACILITATE THE COUNTY'S ACQUISITION OF THE OLD HAYHOOK RANCH PROPERTY, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL, AND TO AMEND OR EXTEND THE AGREEMENT AS NECESSARY.

Vote: Unanimous

8. Consent Agenda

The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion.

Presenter: Bob Broscheid, Habitat Branch Chief

a. Request for the Commission to Approve an Agreement for Road Easement with Graham County for the Purpose of Developing, Maintaining and Realigning Stockton Road at Roper Lake, Graham County, Arizona.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT FOR ROAD EASEMENT WITH GRAHAM COUNTY FOR THE PURPOSE TO DEVELOP, MAINTAIN AND RE-ALIGN STOCKTON ROAD AT ROPER LAKE, GRAHAM COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL;

Vote: Unanimous

b. Memorandum of Understanding (MOU) Between the Maricopa County Parks and Recreation Department and the Arizona Game and Fish Department.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN MARICOPA COUNTY PARKS AND RECREATION AND THE DEPARTMENT;

Vote: Unanimous

c. Consideration of a Request to Transfer up to Twenty Javelina from Arizona to the University of California.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE TRANSFER OF UP TO 20 JAVELINA FROM ARIZONA TO THE UNIVERSITY OF CALIFORNIA, DAVIS.

Vote: Unanimous

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9. Landowner-Lessee/Sportsman Relations Committee Appointment

Presenter: Mark Weise, Development Branch Chief

The Department's Landowner Relations Program is recommending a new member to serve a three-year term on the Landowner-Lessee/Sportsman Relations Committee. Mr. Joe Underwood is a Hunter Education Instructor and a member of S.A.B.O.T (Southern Arizona Bow-hunters of Tucson), which participates in the Unit Watch and Adopt-a-Ranch Programs along with various support projects for wildlife habitat.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE APPOINTMENT OF MR. JOE UNDERWOOD TO THE LANDOWNER-LESSEE/SPORTSMAN RELATIONS COMMITTEE.

Vote: Unanimous

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11. State and Federal Legislation

Postponed. To be added to Saturday's agenda.

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12. Statewide Shooting Range Briefing

Presenter: Don Winslow, Education Branch Chief

The Commission was given an update of Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the September 2004 Commission meeting.

An item in question was an agreement between the Arizona State Rifle and Pistol Association (ASRPA) and the county. In 1996 when the Department took over Ben Avery, the ASRPA had an agreement with the county to run a concession area and that program has continued. In the beginning of this year the Department started looking at ways to formalize an agreement document. A formal agreement was approved by the Commission at the Safford meeting. That agreement was sent to the ASRPA and at this point in time, the Department has not received the signed document back.

Shelly Cutts, Assistant Attorney General, briefed the Commission on what she knew of the document. Ms. Cutts stated that the attorney for the ASRPA made some changes to the agreement, and that she now has the document for review. There was one clause that caused some issues for the Department. The clause said that the ASRPA would reserve the right to veto any action of the Department or the Commission with respect to the shooting range, regardless of whether range fund monies were used to fund that particular project. A revised agreement was sent back that took out that clause, and inserted a clause that said the Department would be more than willing to have the ASRPA come to the table to discuss with the Department any changes that would be made using range fund monies. That draft was sent back with the revised provision crossed out and with the initial provision reinserted. At that point, we basically reached an impasse.

Public Comment

Shelly Sanson stated that she has heard nothing of the dialog between the attorneys and that there was no way ASRPA is trying to tell the Game and Fish Department what they can or can't do at their range. A very simple agreement that has been going on for 30 years has now been made complicated by lawyers. The only thing that ASRPA is asking for, and it has worked for 30 years, is that we have a representative from the range fund (ASRPA) and a representative from the Game and Fish Department (has normally been the Range Master), get together and make decisions. ASRPA decides if we have the money for the project, Game and Fish decides if it's a viable project, and if it is, then it's a go. It's very simple and if ASRPA doesn't have the money, they can't do the project.

After further discussion, Commissioner McLean suggested that the Director facilitate Mr. Allison, his lawyer, Shelly Cutts and whoever the Director shall designate, including himself or his Deputy Director, to sit down and resolve this issue before the January Commission meeting, so that the Commission is not forced to do something they don't want to do, which is to put this out to RFP. Chairman Chilton seconded this suggestion.

Director Shroufe stated that he would get this done within a week or so and then come back to the Commission, either with a signed document that the Commission has already approved or to say that we cannot reach an agreement.

Commissioner Golightly requested to see this issue on the January agenda and if there is no signed document, then the Commission wants a presentation on a RFP ready to go.

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16. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife.

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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13. Consideration of the Kaibab Habitat Stamp Fund Budget for Fiscal Year 2005 and Presentation of the Five-Year Plan for this Fund.

Presenter: Ron Sieg, Flagstaff Regional Supervisor

The Commission was provided with the Kaibab Habitat Stamp Fund Budget Summary for 2005. The Kaibab National Forest and the Department jointly develop this budget proposal. Additionally, a five-year budget was presented to the Commission for consideration.

In regards to the seeding, Commissioner Melton asked how they planned to keep the birds and the animals from eating the seed. Mr. Sieg responded that a rangeland drill would be used to actually cover the seed, which doesn't prevent animals from eating it, but it gives it a better opportunity to germinate. Also, the preliminary indication is that the seeding will be done in the fall with hope for snow fairly quick and germination in the spring. We will be working through the NEPA process and looking at whether spring seeding might be better than fall seeding.

Motion: Moved by Melton and seconded by Gilstrap THAT THE COMMISSION VOTE TO APPROVE THE KAIBAB HABITAT STAMP FUND BUDGET FOR FISCAL YEAR 2005 AND THE FIVE-YEAR BUDGET PROPOSAL.

Vote: Unanimous

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14. Presentation of Options Regarding Management of the House Rock Buffalo Herd to Address Issues Raised by Grand Canyon National Park.

Presenter: Ron Sieg, Flagstaff Regional Supervisor

For several years the Grand Canyon National Park has requested that the Department address the number of buffalo coming onto and remaining in the Park and there have been many discussions on this subject. A recent workgroup consisting of a representative from the Department, one from the Kaibab National Forest and one from Grand Canyon National Park has worked to refine the following list of options for consideration.

- Option 1: Remove all buffalo from Grand Canyon National Park, the Kaibab National Forest and the House Rock Wildlife Area and do not replace them.
- Option 2: Start NEPA to evaluate fence locations, potential impacts and costs. When NEPA is completed, start fence construction at selected location. In the interim, start capturing and removing buffalo from within Grand Canyon national Park.
- Option 3: Remove all current buffalo from Grand Canyon National Park, the Kaibab National Forest and the House Rock Wildlife Area and replace them with naïve and/or pure buffalo.

Public Comment

Mike Williams, Supervisor of the Kaibab National Forest, first thanked the Commission for the approval of the Habitat Stamp Fund Budget for 2005. As for the buffalo issue, Mr. Williams stated that he is looking forward to discussing the recommendations and is optimistic that a solution can be found to meet everyone's objectives.

Bill Noble, Forest Biologist from the Kaibab, stated that as a group, a lot of common ground was found and there is a lot of ability to meet everyone's needs; also he was looking forward to hearing discussion and votes on this and providing some direction to move on.

R.V. Ward, Wildlife Program Manager at the Grand Canyon, reiterated what Mr. Noble said and believes a proper resolution will be met.

Blaine Bickford suggested reinstating the Stakeholders Committee; a one-time committee for hunt structure and management purposes. It would help the interest of the hunter and the general public to generate some discussion and dissemination of information. Mr. Bickford also raised the question of cost for trapping and fencing and wondered if anyone had called the past manager of House Rock who would have some insight as to the probable success.

Commissioner Gilstrap asked if the committee was dissolved or just inactive and pointed out that the past manager of House Rock has been involved.

Mr. Sieg stated that the committee was put together for suggestions on hunt season recommendations, but could get back together if desired.

Commissioner Melton commented on the expense of removing the herd and asked about using lethal methods.

Mr. Ward stated that there is no option without congressional action to have sport hunting, but that park employees could legally shoot the animals. It would seem like a simple and inexpensive solution, however, when it was tried with burros, public pressure made the Park capture the burros instead.

Blaine Bickford commented that the sportsman in this case have an intense interest and investment in each and every one of the herd and if they are removed by lethal means, it should be done by the sportsman of Arizona.

Commissioner McLean stated that we have to look at the expenditure, but it shouldn't be the paramount consideration. We need to move forward with a scientific analysis of the situation. We need to do some trapping. At \$1000 a head it would be a minor expense compared to fencing. To not go forward to determine the best science would be a mistake.

Chairman Chilton stated out that we are allowing ourselves to divert enormous amounts of Department resources to a non issue. We have a very valuable game resource in the buffalo. Further, Chairman Chilton commented that fencing will not work and that NEPA is a waste of time and money.

Commissioner Golightly commented that there are more options that we need to look at. There are between 225-275 buffalo north of the Colorado River and the goal is to have only 100. If we really want to be aggressive, we put hunters in the north pasture and conduct hunts like we did in the old days, with a permit and a tag and revenue to the Department.

Commissioner Gilstrap affirmed that we are all in agreement that there are too many buffalo up there. We're also in agreement that some of them are trespassing. If our management objective is somewhere closer to 100 than 300, we need to put together a plan to reduce the herd substantially. Then, we go back with the Forest Service and the Park to our original agreement from 50 years ago, and start working through that. As Commission McLean stated, we should take a scientific evaluation, but there are some things we can do now that have more to do with logic than with science. We can actively involve the working group and the sportsman in the Department's management objective and monitor ourselves as we go along.

Motion: Melton moved and Gilstrap seconded THAT THE DEPARTMENT TAKE A MULTI-FACETED APPROACH TO REDUCE THE HERD; WILL COME BACK WITH HUNT RECOMMENDATIONS TO REDUCE THE HERD; WILL TRAP ON THE PARK AND HOPEFULLY BE SUCCESSFUL IN REMOVING SOME BUFFALO FROM THE PARK; AND WILL TAG 3-4 OF THE BUFFALO TO SEE WHERE THEY GO.

Vote: Aye Chilton, Gilstrap, Melton, Golightly
Nay McLean
Passed 4 to 1

Commissioner McLean would have voted with the others if they further directed the Department to begin the process of starting NEPA.

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15. Call to the Public

Randy Smith, President of the Arizona Game Ranger FOP Lodge #71, asked the Commission for assistance and support from the Department in the passage of legislation, which the FOP is attempting to introduce. The legislation has to do with employee (Game Rangers/Biologist) salary and compensation. The Commission was provided with a packet that has a limited analysis detailing current salary ranges, comparisons with other agencies, and the status of the current situation to earn overtime or secondary employment monies.

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17. Department presentation on progress report for Wildlife 2006.

Item postponed until February Commission meeting.

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18. Department update on the Department-led effort to develop a "Comprehensive Wildlife Conservation Strategy."

Item postponed until February Commission meeting.

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19. Conservation of the Lesser Long-nosed Bat.

Moved to Saturday's agenda, item 4.1.

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20. Call to the Public

No request from the public to speak.

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22. Director's and Chairman's Reports

Chairman Chilton kept her report brief by stating that she made a lot of calls and did a lot of writing and reading.

Director Shroufe has been working on the Bellemont Range, which has been very time consuming. Also, a presentation was made to the Western Governor's Association on how the Department views the State's role in the Endangered Species Act.

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23. Commissioners' Reports

Commissioner Golightly spent some time on shooting range issues and worked on the fee increase bill at the Governor's office.

Commissioner Gilstrap had a lot of personal time in the past month, but also spent a lot of research time in Northern Arizona, Wyoming and Mexico.

Commissioner Melton has been on a couple of hunts and spent some time with family.

Commissioner McLean hunted and worked in base camp for a friend who had a 15D Ram tag where they took a 165-inch Ram; was one of the top hunts of his life. Also, helped out RMEF on the Junior Hunt is 6A, took another friend's son up into 5B, and did some work for the Commission and for the Department.

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24. Approval of Minutes

Motion: McLean moved and Gilstrap seconded THAT THE COMMISSION APPROVE THE MINUTES FOR JULY 16, 2004; JULY 19, 2004; AUGUST 4, 2004; AUGUST 9, 2004; AUGUST 13 AND 14, 2004.

Vote: Unanimous

Absent: Commissioner Golightly

Bob Broscheid gave an update to the Commission in regards to an earlier question by Commissioner Golightly. The BLM State Office is currently re-evaluating the data that was used in the 2001 allotment analysis. BLM wants to reassure the Commission that the Department's 2001 protest letter and the Commission's Notice of Intent to Appeal is being taken very seriously. No additional actions have been initiated regarding their analysis, including one of the Department's main concerns; a construction of water developments that were in the higher elevations without doing a better analysis of impacts to the sheep population.

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Meeting recessed at 5:20 p.m.

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Saturday, December 11, 2004 – 9:00 a.m.

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Chairman Chilton called the meeting to order at 8:05 a.m. The Commissioners introduced themselves and Chairman Chilton introduced the Director's staff.

The meeting followed an agenda revision dated December 7, 2004.

Awards and Commissioning of Officers

Mike Senn introduced the new officers, Scott Fischer, Martin Guerena, Tyler VanVleet, Jess Antolik, and Dave Daniels, and Chairman Chilton swore them in.

Presentation by Chairman Chilton

Chairman Chilton, on behalf of the Commission, thanked Tice Supplee for her dedication and service to the Arizona Game and Fish Department and presented her with a Certificate of Appreciation for her 29 years of outstanding service. Tice was wished the best of luck in her new career with Audubon Arizona.

1. Presentation of the Draft Arizona Game and fish Department Guidelines and Recommendations for the 2005-2006 Hunting and Trapping Seasons and Proposed Changes to Commission rules Regarding Wildlife Areas for Commission Approval.

Presenter: Brian Wakeling, Big Game Supervisor

The Arizona Game and Fish Department annually solicits public review and comment concerning the hunting seasons. To facilitate public review, the Department annually publishes the Arizona Game and Fish Department Guidelines and Recommendations for the hunting seasons. The document presents the management guidelines that are used by Department Wildlife managers to prepare the annual recommendations for the next year's hunts. Additionally, specific direction from the Arizona Game and Fish Commission is incorporated into the guidelines, such as allocating 2.5% of the general and muzzleloader pronghorn antelope permits to juniors-only hunts. Department Wildlife Managers are provided the opportunity to recommend changes to the hunting structures that differ from previous year hunts at this point in the process. After the Commission approves the guidelines, the document will be posted on the Arizona Game and Fish Department web page. Copies will also be distributed to over 500 individuals through direct mailings and distribution at public meetings, which have been tentatively scheduled in late January and early February in 11 locations around the state. Over 200 people attended these meetings last year. Public comments will be accepted by email and letter until March 1, 2005. Public comments will be sent to the six Regions for consideration in preparing the final hunt recommendation package. The recommended Commission Orders for the fall 2005 hunts will be presented at the April 16, 2005 Commission meeting. Commission Orders for 2005-2006 bandtail pigeon, dove, javelina, spring turkey, spring bear, spring buffalo, and waterfowl seasons will be presented at noticed Commission meeting during the summer of 2005.

COMMISSION ORDER 2: DEER

Two percent (2%) of the general deer permits will be juniors-only.

Rotations for deer this year will be: juniors hunts will be in 24B (was in 20B) and 36A (was in 36A and 36C last year), muzzleloader hunt will move into 24B from 24A.

Eliminate the requirement for archery deer hunters in Unit 12A to check harvested deer at the Jacob Lake check station as harvest will be reported through call in. The Unit 12AE muzzleloader deer hunt will begin at the same time as the juniors only deer hunt in Unit 12AW (muzzleloader season dates will be October 21-27, 2005).

Remove Unit 36B from those units managed under the Alternative Mule Deer Management Plan.

Create a stratified white-tailed deer hunt in Unit 23 by offering an October 28-31 antlered white-tailed deer hunt, while retaining the existing December season..

Move the juniors muzzleloader deer hunt season dates in Unit 16A from the December dates to November 18-27.

Implement antlerless deer harvest in Unit 12AW as needed.

Chairman Chilton asked about 36B and taking it off special management. Brian elaborated that typically with any of our alternative guidelines what we do to produce older age class animals is to be more conservative in the harvest. 36B is currently within those guidelines, although the buck to doe ratios are not as high as what we would like them to be. However, it's providing great hunt success and by allowing this to go out of the alternative mule deer guidelines, this would allow us to provide more permits for mule deer hunters.

Motion: Golightly moved and McLean seconded TO MAINTAIN IN OUR GUIDELINES AND RECOMMENDATIONS THAT 36B, ALTERNATIVE MANAGEMENT HUNT, AND PUT THE MUZZLELOADER BACK IN ITS TIME ROTATION THAT WE HAVE HISTORICALLY CONDUCTED THAT HUNT NORTH OF THE RIVER.

Vote: Unanimous

COMMISSION ORDER 3: PRONGHORN ANTELOPE

Two and a half percent (2.5%) of the general and muzzleloader permits will be juniors-only.

Rotate the juniors pronghorn hunt in Region 1 from Unit 2C to Unit 3A.

Establish a Unit 18B (west of Burro Creek) in Region 3 to distribute a portion of the pronghorn hunters into area that receive little attention and better distribute harvest.

Commissioner McLean questioned that Mr. Wakeling wanted to discuss, but was not prepared to recommend elimination of the junior pronghorn antelope hunts this year. Mr. Wakeling

commented that the allocation to the juniors tags is the Commission's direction, but there is some level of discomfort from the public regarding continuing this practice.

Motion: Melton moved and McLean seconded THAT THE DEPARTMENT GO TO THE PUBLIC WITH THE IDEA THAT WE MAY MODIFY IT AND DELETE THE YOUTH HUNT.

Chairman Chilton clarified that what the Commission wants to do is let the public know what the range of options will be.

Vote: Unanimous

COMMISSION ORDER 4: ELK

Five percent (5%) of the total elk permits will be juniors-only antlerless permits.

Rotations for elk this year will be: early general bull hunts will rotate into Units 3B (was 27), 6B (was 8), and 22S (was 21); early muzzleloader bull hunts will rotate into Units 27 (was 3B), 5BN (was 5BS), and 21 (was 23S); an archery bull hunt will rotate into 23S (was 22S).

Reduce the range in the management guidelines for which calf:cow ratios are targeted; specifically reducing the range to be 35-40 calves:100 cows from 50-55 calves:100 cows. Place an upper limit on the bull:cow ratios in those units managed for higher ratios (Units 3A/3C limited to 40 bulls:100 cows, Units 9, 10, 22, and 23 to 50 bulls:100 cows).

COMMISSION ORDER 5: TURKEY

Juniors-only hunting opportunities will be offered at levels comparable to previous years. Season dates will coincide with the general fall seasons.

Unit 6A will not offer a stratified juniors season in spring 2006, and Unit 23 will make up the reduction in tags. All juniors spring turkey seasons will begin a week prior to the general season and will run until the end of the general season.

Public Comment

Tom Wagner, a native Arizonan representing himself, stated that Turkey is a draw species and there have been two seasons for quite a while, spring and fall; and that those two seasons are distinctly different types of hunts. Mr. Wagner stated that Game and Fish is charged with managing wildlife for the benefit of wildlife itself as well as for the benefit of hunters, and requested putting the spring turkey into the bonus point system.

Commissioner Gilstrap clarified with Mr. Ferrell that Mr. Wagner's request is currently in process.

COMMISSION ORDER 6: JAVELINA

Juniors-only hunting opportunities will be offered at levels comparable to previous years.

COMMISSION ORDER 7: BIGHORN SHEEP

No changes.

COMMISSION ORDER 8: BUFFALO

Per discussion on Friday, agenda item number 14.

COMMISSION ORDER 9: BEAR

No changes.

COMMISSION ORDER 10: MOUNTAIN LION

The Unit 13B South boundary would be changed for clarity and noticed in footnote 8.

Multiple bag limits and boundaries will be reviewed and modified as appropriate to address management objectives.

Commissioner Chilton commented that the mountain lion population has gone up significantly and their fear of humans has diminished to the point that they are stalking humans. Further, Commissioner Chilton suggested that the Wildlife/Urban interface problem be looked at carefully.

Commissioner Melton pointed out that urban areas have become safe zones for wildlife because firearms cannot be discharged in those areas, so we need to figure out how we are going to address this.

Commissioner McLean strongly suggested supporting a no feeding bill in the legislature this year.

Public Comment

Gene Perlow addressed the Commission suggesting that archery hunting be encouraged in the area; that it would be less invasive and might be an option.

COMMISSION ORDER 17: CHUKAR PARTRIDGE

The season dates are recommended for extension of 32 days, with a starting date of September 9 to coincide with the beginning of blue grouse season.

COMMISSION ORDER 26: POPULATION MANAGEMENT HUNTS

Population management hunts are recommended for the listed legal wildlife, geographic areas, and time frames in recognition of the stated management objectives with goals, recommendations, or guidelines in the associated change forms received from the Regions. Permit numbers by area will be established at the April Commission meeting. Attached are 27

change forms pertaining to population management hunts; all request retaining existing structures approved last year (13 for elk, 7 for javelina, 1 for buffalo, and 6 for bear). Specific recommended changes from last year are: (1) all bull elk population management seasons are suggested to be authorized yearlong; (2) the addition of Unit 18B to the proposed seasons for elk in Units 17A, 17B, 19B, 20A, and 20C; (3) the addition of a Unit 27 bull elk season with longer season dates in addition to the existing season for bull, antlerless, or any elk in Unit 27, (4) the addition of Units 35A and 37A to the proposed seasons for javelina for General and HAM; and (5) the addition of Unit 30B to the proposed seasons for javelina for HAM.

Additionally, the Department is recommending 16 new population management seasons in anticipation of the new Commission rules pending their final certification. These rules would allow restricted nonpermit tags to be offered to permit-tag holders in other big game hunts. Specifically, the proposed population management hunts that would allow for restricted nonpermit elk tags to be offered to deer hunters in Units 12A West (2 hunts), 12A East (2 hunts), 12B (2 hunts), 12B West (2 hunts), 28 (2 hunts), and 31 (2 hunts) and pronghorn hunters in Units 2A and 2B.

Commissioner Golightly requested Mr. Wakeling to make sure that the public knows what the plan is so that we can get their input.

COMMISSION ORDERS 11: SQUIRREL; 12: COTTONTAIL RABBIT; 13: PREDATORY AND FUR-BEARING MAMMALS; 14: OTHER BIRDS AND MAMMALS; 15: PHEASANT; 16: QUAIL; 18: BLUE GROUSE; 19: DOVES; 20: BAND-TAILED PIGEON; 21: WATERFOWL; 22: COMMON SNIPE; 23: TRAPPING; AND 24: SANDHILL CRANE

No changes. Note: Season dates and bag limits for Commission Orders 19, 20, 21, 22, and 24 are subject to final approval of Early and Late season Federal Frameworks as prescribed by the Migratory Bird Commission.

COMMISSION ORDER 29: SPECIAL BIG GAME LICENSE-TAG HUNTS

The 2005-2006 Special Big Game License-Tag seasons will be approved at the December 2004 Commission meeting.

R12-4-802 WILDLIFE AREA RESTRICTIONS

Additions underlined:

Santa Rita Wildlife Area (located in Unit 34A)

- a. Motorized vehicle travel on designated roads as permitted by R12-5-533D
- b. Open to all hunting as permitted by R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 to August 31 annually.
- c. All other uses State land will be according to the provisions of the Arizona State Land Department's Recreational Permit.

And

Upper Verde River Wildlife Area (located in Unit 19A):

- e. Closed to discharge of firearms within ¼ mile radius of visitor parking area.

R12-4-803 WILDLIFE AREA BOUNDARY DESCRIPTIONS

Additions underlined:

Santa Rita Wildlife Area is that area described as: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.

Commissioner Melton requested that the dates for opening day of dove season be reviewed, specifically as to whether opening day should be on the weekend or in the middle of the week; if opening day is in the middle of the week, the average Arizonan is at work, which presents an advantage for hunters who can afford to take off work for opening day, especially those from out of state.

Tice Supplee, Game Branch Chief, addressed Commissioner Melton and stated that the dates of the dove season have been evaluated in the past and offered to provide the Commission with historic files and information. Ms. Supplee stated that in the past, public sentiment was for dove season to open sooner rather than later and that the Migratory Bird Treaty Act prohibits an earlier opening.

Motion: McLean moved and Gilstrap seconded TO APPROVE THE DRAFT ARIZONA GAME AND FISH DEPARTMENT GUIDELINES; AS AMENDED, TO RETAIN 36B IN THE ALTERNATIVE MULE DEER MANAGEMENT GUIDELINES, AND NOT TO MOVE UNIT 12A EAST MUZZLELOADER, AND TO CONSIDER ELIMINATING THE JUNIORS OPPORTUNITY FOR PRONGHORN; AND MANAGEMENT OBJECTIVES WITH GOALS, RECOMMENDATIONS, OR GUIDELINES FOR THE 2005-2006 HUNTING SEASONS.

Vote: Unanimous

Chairman Chilton requested to go to agenda item 4.1 next.

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Meeting recessed for a 5 minute break

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4.1 Conservation of the Lesser Long-nosed Bat

Presenter: Angela McIntire, Bat Project Coordinator, Nongame Branch

Using a Power Point presentation, Ms. McIntire briefed the Commission on the biological and legal status of the lesser long-nosed bat, and the ongoing conservation effort to recover, downlist, and/or delist this species. The presentation included updates on relevant conservation, management, and scientific issues; funding issues; outreach activities; stakeholder involvement; and social considerations.

The Lesser Long-nosed Bat is one of twenty-eight bat species in Arizona and it's the only one listed as endangered. Ms. McIntire covered the bats biology and habitat needs, listing history, recovery plan, recovery efforts, and what the next steps are; specifically, to continue population monitoring and research, and working closely with USFWS to formally review the bats status.

Commissioner Melton asked about the Bats roosting habitats before mankind created the mines, which have become the current roosting habitat. Ms. McIntire commented that there is no data that goes back more than twenty years, so there is no way to know what the population used to be or should be now.

Chairman Chilton commented that sometimes a species is listed as endangered when there is minimal scientific information to substantiate that decision. Then hundreds of hours are spent to generate data, which diverts an enormous amount of time and resource only to discover that what was thought to be a problem was not really a problem.

Chairman Chilton went on to applaud the Department for providing good science and helping get a species off the endangered list based on its ability to survive and whether it's actually vulnerable or not. Chairman Chilton also pointed out to the public that the Game and Fish Department is about more than hunting, but that it also has scientists who collect data, evaluate it, and then take action; and the action here is to possibly take another species off the endangered list, and in doing so, less land will be closed to hunting or other multiple uses.

2. Consideration of Applications for Special Big Game Hunt License-Tags for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for 2005-2006.

Presenter: Tice Supplee, Game Branch Chief

The Commission was asked to consider and vote on applications from organizations for 2005-2006 Special Big Game License-Tags as per R12-4-120.

The Department received applications for Special Big Game License-Tags from the following nonprofit organizations in accordance with A.R.S. 17-346 and Commission Rule R12-4-120.

Arizona Antelope Foundation (AAF): Requests two (2) Special Antelope tags. The tags will be auctioned through The Arizona Desert Bighorn Sheep fundraising banquet, The Arizona Elk Society fundraising banquet, other suitable venue with a different organization or at The Arizona Antelope Foundation's Second Annual fundraising banquet next year.

Arizona Bowhunters Foundation (ABF): Requests two (2) Special Javelina tags, one (1) Special Bear tag, and one (1) Special Buffalo tag, all to be auctioned at their annual banquet on March 5, 2005.

Arizona Deer Association (ADA): Requests two (2) Special Mule Deer tags, two (2) Special Coues' Whitetail Deer tags, and one (1) Special Buffalo tag, all to be auctioned that their Annual Fundraiser in the spring of 2005. ADA also requests being considered for any tags that are not specifically requested or awarded to other conservation groups.

Arizona Desert Bighorn Sheep Society (ADBSS): Requests two (2) Special Bighorn Sheep tags, one to be auctioned at either The Foundation for North American Wild Sheep convention in San Antonio, TX in March 2005 or at the ADBSS fundraiser in Phoenix in February 2005; the other to be raffled with the drawing held at the ADBSS September 2005 hunter award banquet.

The ADBSS is willing to auction at their fundraiser banquet in February 2005 any other special big game tag that the Commission would like to issue.

Arizona Elk Society (AES): Requests two (2) Special Elk tags, one to be auctioned at the AES annual fundraising banquet in March 2005 and one to be raffled with the drawing held at the AES annual meeting in August 2005. The AES is willing to auction any other special tag at their fundraising banquet in March 2005 that the Commission may elect to issue.

Mule Deer Foundation (MDF): Requests one (1) Special Mule Deer tag, one (1) Special White-tailed Deer tag, one (1) Special Buffalo Tag, one (1) Special Bear tag, and one (1) Special Javelina tag, all to be auctioned at the MDF's 2005 National Convention and Exposition, January 14-16, 2005 at the Reno-Sparks Convention Center in Reno, NV. The MDF also requests any tags that remain after other organization requests are fulfilled.

National Wild Turkey Federation (NWTF): Requests two (2) Special Turkey tags, one to be auctioned at the NWTF 2005 Annual Convention in Nashville, TN; the second tag to either be raffled, auctioned or sold on Ebay by the Arizona Chapter of the National Wild Turkey Federation.

Rocky Mountain Elk Foundation (RMEF): Requests two (2) Special Elk tags, one to be auctioned at the 2004 Elk Foundation International Elk Camp in Portland, OR on February 26, 2005; one to be raffled as a fundraising project among the Arizona Elk Foundation chapters; and one (1) Special Buffalo tag to be auctioned at one of the RMEF Arizona chapters at their annual Big Game Banquet.

Safari Club International – Arizona Chapter (SCI-AZ): Requests one (1) Special Coues White Tail Deer tag, one (1) Special Buffalo tag, one (1) Special Black Bear tag, and one (1) Special Javelina tag, all to be auctioned at their annual fund-raising auction to be held on January 22, 2005.

Safari Club International – Phoenix Chapter (SCI-Phx): Requests one (1) Special White Tail Deer tag, one (1) Special Buffalo tag, and one (1) Special Turkey tag, all to be auctioned at their fund raising banquet to be held on March 26, 2005. In the event that any Special Bear tags or Special Javelina tags are available, SCI-Phx would like to make a general request for such tags, which they will raffle at their spring function.

The Department recommends that the Commission award the 2005 sponsorship of special license tags based upon (1) the organization being specific to the big game species, (2) past participation by the organization, and (3) if the tag will be raffled or auctioned.

The Commission addressed each request by species.

Antelope

The AAF requested two tags for auction.

Public Comment

David Laird, Vice President of AAF, stated that last year his organization raised a record amount through auction. He believed that they could do a better job of marketing those tags this year and help benefit the species; he respectfully requested that his organization get both of the tags.

Commissioner Melton commented that the average Arizonan with an average income has more of an opportunity or chance to get one of these prime tags with the raffle as opposed to the auction, and that he was more interested in providing a wide opportunity than getting top dollar for the tag.

Commissioner McLean clarified with Mr. Odenkirk that the Commission could offer a tag to an organization and stipulate how the tag would be marketed or distributed (auction or raffle).

Commissioner Gilstrap commented that the objective is to improve habitat and wildlife by raising the largest amount of money possible. The Commission must try to be fair to hunters, but also try not to restrict organizations and encumber their ability to raise money.

Chairman Chilton stated that the money is important, but it's not as important as having the Arizona hunting population motivated to keep supporting the opportunity for hunting in Arizona. Chairman Chilton also suggested that the raffled tag could possibly be offered only to Arizonans.

Motion: McLean moved and Golightly seconded THAT BOTH SPECIAL TAGS BE AWARDED TO THE ARIZONA ANTELOPE FOUNDATION AND THAT OF THOSE TWO TAGS, ONE BE SPECIFIED AS AN AUCTION TAG TO BE AUCTIONED AT ITS OWN FUND RAISER AND NOT BY SOME OTHER SPECIES SPECIFIC GROUP AND THAT THE SECOND TAG BE DESIGNATED AS A RAFFLE TAG TO RAFFLED IN A NATIONALLY ADVERTISED RAFFLE MARKETING PROGRAM TO BE DESIGNED BY ARIZONA ANTELOPE FOUNDATION.

Commissioner Golightly suggested an amendment to the motion, but it was decided to take public comment first.

Public Comment

Bruce Johnson addressed the Commission and commented that according to the rules, each organization should have already specified in their application the methods by which the tags will be sold or transferred, and that by not doing so, the applications were not valid. Also, the rule that covers the issuance of these tags says that the organization that sells these tags will agree with the Department on the use (projects) of the proceeds, giving these organizations a big leg up on anyone else who wants to do conservation projects. Mr. Johnson also stated that the Commission needed to consider that whoever is allocated these tags is basically being given a big heads up for conservation bonus points should that rule be adopted later.

Commissioner McLean stated that the legal issues have been decided; we received advise from our counsel that this is a matter of negotiation. The organizations have made an offer and the Commission is currently in the process of negotiating a contract.

Mr. Odenkirk responded to the two issues; regarding the validity of the applications, Mr. Odenkirk believes that the requirements were met; in regards to the submitted proposals, the Commission can accept or modify the proposal, but the organization must accept the proposal or there may be some tags that go unused. It's important that the organization accept the Commissions counter proposal today before adjournment.

Commissioner Gilstrap clarified that the objective of the amendment was to suggest to the AAF that they consider an auction or raffle tag as opposed to the original motion, which says we'll give it to you if you will.

Motion Restated: McLean moved and Golightly seconded THAT THE COMMISSION AWARD ONE SPECIAL ANTELOPE TAG TO THE ARIZONA ANTELOPE FOUNDATION AND DESIGNATE IT AS AN AUCTION TAG TO BE AUCTIONED AT THEIR FUND RAISER AND THAT THE COMMISSION AWARD THE SECOND TAG TO THE ARIZONA ANTELOPE FOUNDATION WITH A VERY STRONG SUGGESTION THAT IT BE RAFFLED AT A NATIONALLY ADVERTISED RAFFLE TO BE DESIGNED BY THEM.

Chairman Chilton asked Mr. Laird of the AAF if he accepted the motion as restated and his answer was yes.

Vote: Unanimous

Black Bear

Three organizations requested an auction tag for Black Bear; ABF, MDF and SCI-AZ.

Public Comments

Dick King, representing the Arizona Bowhunters Foundation addressed the Commission and asked them to keep in mind that if required to do a national auction, the cost is absorbed by the organization and it could become very prohibitive to some organizations; also, money being spent could be going back to the Department and used for wildlife.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION AWARD ONE BLACK BEAR TAG TO THE ARIZONA BOWHUNTERS FOUNDATION AND ONE BLACK BEAR TAG TO THE SAFARI CLUB INTERNATIONAL - ARIZONA CHAPTER.

Vote: Unanimous

Bighorn Sheep

Two tags have been requested by the ADBSS; one to be auctioned either at a national venue or at there own venue here in Phoenix, and the second to be raffled.

Motion: Melton moved and McLean seconded THAT THE ARIZONA DESERT BIGHORN SHEEP SOCIETY BE AWARDED ONE BIGHORN SHEEP AUCTION TAG AND ONE BIGHORN SHEEP RAFFLE TAG.

Public Comment

Brian Dolan, President of the Arizona Desert Bighorn Sheep Society, assured the Commission that the ADBSS has the goals of the program in mind; and that is to maximize the revenue and make sure the monies are used wisely.

Vote: Unanimous

Buffalo

ABF, ADA, MDF, RMEF, SCI-AZ, and SCI-PHX requested an auction tag.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION AWARD THE TWO BUFFALO TAGS, ONE TO THE MULE DEER FOUNDATION AND ONE TO SAFARI CLUB INTERNATIONAL – PHOENIX.

Both tags are at House Rock.

Chairman Chilton stated that her preference would have been to give one to AES and one to RMEF.

Commissioner Gilstrap stated he would have awarded them to ADA and RMEF.

Commissioner Melton agreed with Commissioner Gilstrap.

Vote: Aye McLean, Golightly
Nay Chilton, Gilstrap, Melton
Motion did not pass

Motion: Melton moved and Gilstrap seconded THAT ONE BUFFALO TAG FOR AUCTION BE AWARDED TO THE ROCKY MOUNTAIN ELK FOUNDATION AND ONE BUFFALO TAG FOR AUCTION BE AWARDED TO THE ARIZONA DEER ASSOCIATION.

The Commissioners further discussed their ideas of where the tags should be awarded.

Public Comment

Gilbert Houseaux, Vice President of SCI-Phoenix, asked the Commission to keep in mind that the SCI-Phoenix has stood by the Game and Fish Department for years and has raised a lot of money in the past. Mr. Houseaux also stated that his organization would not be willing to share a tag with any other organization.

Mark Bool, President of ADA, stated that his organization is interested in a Buffalo tag specifically to assist in the direction of the spending of those funds. The Kaibab and House Rock area is of interest because it does affect deer, which creates a strong tie there. However, the ADA has applied for two Mule Deer and two Whitetail Deer in addition to the Buffalo and if the Commission sees fit to distribute the tags more evenly across the board, then the ADA would rather withdraw their request for the Buffalo tag.

Vote: Aye Chilton, Gilstrap, Melton, McLean
Nay Golightly
Motion passed 4 to 1

Elk

Two organizations, AES and RMEF, have requested two tags each, one for auction and one for raffle.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION AWARD TWO TAGS, ONE FOR AUCTION AND ONE FOR RAFFLE, TO THE ARIZONA ELK SOCIETY.

Public Comment

Dan Hunter, representing the RMEF, thanked the Commission for the Buffalo tag, stating that last year was the second year that they had it and they generated the second highest price for it ever. However the biggest opportunity for the RMEF would be the Elk auction tag. Mr. Hunter offered that the RMEF could significantly raise more funds than last year. Also, they would prefer to do an auction, but would do a raffle as well.

Sharon Eichelberger, President of AES, briefed the Commission on AES history of fundraising with the elk tags, and reminded the Commission that AES has set a record for every species of special tags that it has auctioned. Also, Ms. Eichelberger requested that the tags not be divided between the two requesting organizations, saying that it would not be equitable due to the work involved with the event. Ms. Eichelberger went on to request both tags and guaranteed that AES would raise a quarter of a million dollars for the benefit of Arizona's elk.

Commissioner Golightly asked Ms. Eichelberger if she would accept a raffle tag if it came to that and her reply was yes.

Tom Wagner, a working committee member with RMEF, but representing himself, stated that for RMEF to not receive a tag would be an insult. Of all the work that RMEF members have done across the state, it would almost negate their efforts.

Chairman Chilton thanked both organizations for all the work they have done.

Motion Amendment: Golightly amended and McLean seconded THAT THE COMMISSION AWARD ONE AUCTION TAG TO THE ROCKY MOUNTAIN ELK FOUNDATION AND AWARD ONE RAFFLE TAG TO THE ARIZONA ELK SOCIETY.

The Commission discussed the amendment to the motion.

Commissioner McLean stated that the organizations should work together on these tags.

Chairman Chilton commented that she would like to see the raffle with RMEF and the auction with AES, and again stated how much the Commission appreciated all that the two organizations do and how difficult this decision was.

Commissioner Golightly commented that RMEF is involved in a huge and significant project that would shed light to what they are doing in Arizona. Also, that the two organizations should work together with these tags.

Public Comment

John Koleszar, with AES, but speaking as an individual, stated that AES has spent 5 years working out the raffle program and it flows smoothly right now. Changing back and forth each year is problematic. Mr. Koleszar suggested three tags instead of two be distributed; one for the RMEF as an auction, one for AES as an auction, and one for AES as a raffle.

Dan Hunter, representing the RMEF, added that he believed John Koleszar had the right idea.

Motion Amendment: McLean amended and Gilstrap seconded THAT THE COMMISSION AWARD ONE AUCTION TAG TO THE ARIZONA ELK SOCIETY AND ONE RAFFLE TAG TO THE ROCKY MOUNTAIN ELK FOUNDATION.

Vote: Aye Chilton, Gilstrap, Golightly, McLean
Nay Melton
Motion passed 4 to 1

Javelina

The organizations requesting Javelina tags are ABF, two for auction, MDF, one for auction, and SCI-AZ, one for auction.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION AWARD ONE JAVELINA AUCTION TAG TO THE ARIZONA BOWHUNTERS FOUNDATION AND ONE JAVELINA AUCTION TAG TO THE SAFARI CLUB INTERNATIONAL – ARIZONA CHAPTER.

Vote: Unanimous

Mule Deer

The ADA has requested two Mule Deer auction tags and the MDF has requested one Mule Deer auction tag.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION AWARD BOTH AUCTION MULE DEER TAGS TO THE ARIZONA DEER ASSOCIATION.

Public Comment

Robert Jacobs, Chairman of the Mule Deer Foundation in Flagstaff, reminded the Commission of equipment contributed to the Game and Fish Department for the benefit of wildlife, as well as many other types of contributions. The MDF has over 1000 members who are very dedicated to the well-being and future of mule deer in this state. Further, Mr. Jacobs stated that he would greatly appreciate consideration for a tag.

Mark Bool, President of ADA, stated that ADA has had the privilege of having both tags for the last 18 tags and have worked hard and taken a lot of pride in raising significant funds. Mr. Bool also stated that having the two tags together actually helps to get a higher price at the auction and what this is really all about is raising as much money as possible.

Jim Solomon with Outdoors Arizona stated that he would like to see one tag go to each group so that they can each show their merit. He also stated that he hates to see divisiveness among hunters.

Blaine Bickford commented that if the Commission saw fit and gave MDF a tag, the Flagstaff Chapter would cooperatively work with the Department on projects that they mutually agreed upon.

Commissioner Melton stated that on the disbursement of state money, it has to come through the Commission. It's a violation of state laws to allow non-government agencies to spend state money.

Commissioner McLean clarified by stating that ultimately it becomes the obligation of the Commission to decide who gets the tags and how the money is spent. The Commission works closely with the Department and with the organizations and the public, but the legal obligations as to who adopts budgets and expenditures is split five ways by the Commission.

Commissioner Golightly stated that he would like to amend the motion and that it has come time to split the tags. MDF has paid their dues, they are tenured in Arizona, and they spent the last five years working for the better of Mule Deer and Mule Deer habitat.

Motion Amendment: Golightly amended and McLean seconded THAT THE COMMISSION AWARD ONE AUCTION MULE DEER TAG TO THE ARIZONA DEER ASSOCIATION AND ONE AUCTION MULE DEER TAG TO THE MULE DEER FOUNDATION.

Vote: Aye Chilton, Golightly, McLean
Nay Gilstrap, Melton
Motion passed 3 to 2

Turkey

NWTF applied for two tags, one for auction and one for auction or raffle by local chapters, and SCI-Phoenix applied for one for auction.

Ms. Suplee clarified that the turkey tag included, but was not limited to the Gould turkey.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION AWARD THE NATIONAL WILD TURKEY FEDERATION TWO TAGS, ONE FOR AUCTION AND ONE FOR RAFFLE.

Public Comment

Dusty Parsons, State President of NWTF, thanked the Commission for the motion and stated that organizations need to work together for wildlife and that the NWTF is willing to work together with SCI-Phoenix to auction one of these tags.

Motion Amendment: McLean amended and Golightly seconded THAT THE COMMISSION AWARD THE NATIONAL WILD TURKEY FEDERATION TWO TAGS, ONE FOR AUCTION AND ONE FOR RAFFLE; AND FURTHER, THAT THE NATIONAL WILD TURKEY FEDERATION HAVE THE OPTION TO ENTER INTO DISCUSSIONS WITH OTHER VIABLE 501C3 QUALIFIED ORGANIZATIONS FOR AN ALTERNATIVE MEANS OF MARKETING ONE OF THOSE TWO TAGS.

Vote: Unanimous

White Tail Deer

The ADA requested two tags for auction and MDF, SCI-AZ and SCI-PHX each requested one tag for auction.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION AWARD TWO AUCTION WHITE TAIL DEER TAGS TO THE ARIZONA DEER ASSOCIATION.

Public Comment

Mark Bool, President of ADA thanked the Commission for the tags. Further, Mr. Bool presented the commission with a check for \$5,500 to fulfill their commitment from last years tags and committed again for this year to raise \$15,000 per tag.

Vote: Unanimous

Public Comment

Dan Hunter, representing the RMEF, again thanked the Commission for the elk tag and asked if the Commission would allow the proceeds from the raffle be directed towards the Tusayan Pipeline Project.

Commissioner Golightly supported the suggestion and directed Mr. Hunter to the Chairman of the Habitat Partnership Program.

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Meeting recessed for a 10 minute break

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3. Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for 2005-2006 Hunting Seasons.

Presenter: Tice Supplee, Game Branch Chief

The Commission was asked to consider and approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags.

Recommended open areas and season dates for the special license-tag hunts are as follows:

Mule Deer

September 1, 2005 – February 28, 2006 (181 days)

Special license-tags will be valid for Units 1 - 16A (except Camp Navajo) and 17A - 45C (except Fort Huachuca, but including the Kofa NWR).

White-tailed Deer

September 1, 2005 - January 31, 2006 (153 days)

Special license-tags will be valid for Units 6A, 6B (except Camp Navajo), 8, 21, 22, 23, 24A, 24B, and 27 - 36C (except Fort Huachuca).

Antelope

August 1 - October 9, 2005 (70 days)

Special license-tags will be valid for Units 1 - 10 (except Camp Navajo), 12A, 12B, 13A, 13B, 15A, 15B, 17A, 17B, 18A, 18B, portions of 19A, 19B, 21, 30A, 31, 32, 34B, 35A (except Fort Huachuca), and 35B.

Elk

September 1 - December 31, 2005 (122 days)

Special license-tags will be valid for Units 1, 2B - 10 (except Camp Navajo), 12A, 12B, 16A (except Mohave County Park Lands), 17A, 17B, 18A, 18B, 19A, 19B, 21, 22, 23, 27, 28, 31, and 44A.

Javelina

October 1, 2005 - March 31, 2006 (182 days)

Special license-tags will be valid for Units 1 – 6B (except Camp Navajo), 8, 10, 15A, 15B, 15C, 15D, 16A (except Mohave County Park Lands), 17A – 24B, 27 – 37M (except Fort Huachuca), and 39 – 44B.

Turkey

April 1 - May 31, 2005 (61 days)

Special license-tags will be valid for Units 1, 3B - 10 (except Camp Navajo), 12A, 13A, 13BS, 17A, 17B, 20A, 22, 23, 27 and 35A (except Fort Huachuca).

Bighorn Sheep

October 1, 2005 - January 31, 2006 (123 days)

One special license-tag will be valid for Units 9, 10, 12A, 12B, 13A, 13B, 15A, 15B, 15C, 15D, and 16A.

The second special license-tag will be valid for Units 1, 16B (north of Lake Havasu City), 22, 24B, 27, 28, 31, 32, 37A, 39, 40A, 40B, 41, 43A, 43B, 44A (west of the Swansea Road and South of Bill Williams River Rd.), 44B, 45A, 45B, 45C (including the Kofa NWR), 46A, and 46B (including the Cabeza Prieta NWR).

Buffalo

September 1, 2005 - June 30, 2006 (303 days)

Special license-tags will be valid for Units 12A and 12B (House Rock herd).

Black Bear

March 19 - December 31, 2005 (288 days)

Special license-tags will be valid statewide.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 29: SPECIAL HUNTS AS PRESENTED.

Motion Amendment: Golightly amended and McLean seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 29: SPECIAL HUNTS AS PRESENTED EXCEPT FOR THE DATES ON THE BUFFALO TO BE SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006.

Public Comment

Mark Bool with ADA recommended that the Commission extend the season date for the special white tail tag through February, adding one month. Several past auction purchasers are fortunate

enough to be hunting white tail in Mexico during the month of January, however it shortens their opportunity here.

Ms. Supplee informed the Commission that changing the dates for the white tail would make those dates the same as the special mule deer season, and that she did not perceive any biological difficulties with extending another 28 days.

Public Comment

Tom Wagner, a working committee member with RMEF, pointed out to the Commission regarding the buffalo date change, that by starting in September 2005 instead of August 2005, it would be another whole year before one could hunt buffalo in August.

Motion Restated: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 29: SPECIAL HUNTS AS PRESENTED EXEPT FOR THE SEASON DATES ON THE BUFFALO TO BE AUGUST 1, 2005 THROUGH JULY 31, 2006; AND THE SEASON DATES ON THE WHITE TAIL TO BE SEPTEMBER 1, 2005 THROUGH FEBRUARY 28, 2006.

Vote: Unanimous

4. The Commission discussed the feasibility of increasing the number of Special Big Game License-tags for each big game species.

Presenter: Tice Supplee, Game Branch Chief

The Commission directed the Department to investigate the feasibility of increasing the number of Special Big Game License-tags in October of 2003. A recent request has been received from the Arizona Wildlife Conservation Council asking the Commission to consider preparing legislative language that would increase the number of Special Big Game License-tags by one for each of the big game species.

The Department provided the Commission with an analysis and the proposal from the Wildlife Conservation Council. The statutory authority for the Special Big Game License-tags is ARS 17-346.

Chairman Chilton clarified with Mr. Odenkirk that the Commission only needs legislative approval to increase the number; that the Commission already has the authority to issue them. A rule change is not needed, just a law change.

The Commission discussed options and opportunities that could be had with these additional tags, if flexibility could be maintained.

Commissioner Golightly commented that he would like to make sure that the tags are not encumbered in any way with any landowner or Indian tribe or incorporated into another bill; that the tags have the same intent as the other two tags.

Public Comment

Brian Dolan, President of the ADBSS, expressed support for the program by ADBSS. The third tag presents some challenges, but will create another revenue source.

Blaine Bickford suggested that the additional funds from these tags be specifically used to improve or preserve habitat including the purchase of new properties.

Commissioner Gilstrap stated that the Commission needed to have flexibility in the permitting process and the utilization of funds, and to make the most efficient use of that money as opposed to restricting it to purchase land. In the past, the Commission has had monies restricted for purchasing property and it was lost because the purchase couldn't be put together.

Commissioner McLean stated that his intent is that the Commission ask the legislature to change the number two to three where it currently reads -no more than two special big game license tags may be issued for each species of big game in a license year- and that would be the extent of any changes.

Chairman Chilton commented that purchasing land would never get past the legislature. First, it would take huge land purchases to make a difference and not just 20 acres here and there, and even small purchases wouldn't go over very well with the public. Second, the Department is engaged in a very successful and commendable effort to increase access on private land, and that the benefit of these land access programs far out weight any sort of land purchase by the Department.

Public Comment

Gene Perlow, landowner in the White Mountains, commented that he was forced to fence 661 acres in order to protect his land from overgrazing. He doesn't like to keep hunters out, but as long as grazing goes unchecked, he felt this was the only option he had.

Chairman Chilton responded by saying that there are scientists who can define what constitutes overgrazing and what is just utilization, and that there are scientists who define the quantity of wildlife that permits it to be a sustainable resource. Hunters are not consuming wildlife so much as they are helping to manage wildlife and by the same token, ranchers are not necessarily overgrazing, but are properly harvesting grass resources. We need to make every effort to not let the anti-use people define which use is the bad use. We need to have ranchers and hunters as allies or we're not going to have any place to go hunting or to preserve wildlife.

Public Comment

Don Farmer, representing himself, addressed the Commission regarding the tag allocation. Every year the allocation of tags becomes a little more rancorous and it divides the sportsman. Increasing the tags will only increase the conflict and also, it would take away from the public the valuable opportunity to obtain one of these premium tags through the draw process. Mr. Farmer went on to point out other concerns mentioned on page 6 of the November 18, 2003 memo to the Commission from Director Shroufe, Risk Analysis of opening 17-346. Special Big Game License tags, where it states: The benefits of this proposal may not outweigh the risk, with the primary risk identified being the opening of Title 17. If Title 17 is opened for this

proposal it may provide a path to the establishment of landowner tags, especially in the current political environment. In addition, Mr. Farmer suggested that if the Commission go any further with this, that they move with utmost caution.

The Commissioners discussed how to introduce the bill and try to keep it from being changed.

Mr. Guiles addressed the Commission stating that it's hard to predict what the legislature will or will not do and it's possible that the legislature will look further at expanding this if they so desire. We can have a sponsor who agrees to pull the bill, but that doesn't prevent someone else from introducing another bill or producing an amendment. That's an inherent risk that we take anytime we open up Title 17.

Commissioner Gilstrap commented that there is some risk, however, we can't hold back; we need to be proactive. It's better for wildlife and habitat, and it's better for sportsman. We can do what we need to do at the legislature, and we can cause positive things to happen for wildlife.

Public Comment

John Koloszar with the AES stated that as far as he knows, there is currently no support in the legislature for landowner tags.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION CONSIDER LEGISLATIVE LANGUAGE INCREASING THE NUMBER OF SPECIAL BIG GAME LICENSE TAGS FROM TWO TO THREE FOR EACH BIG GAME SPECIES.

The Commission further discussed the number of Special Big Game License tags to be increased.

Public Comment

Bruce Johnson addressed the Commission and referred to the November 8, 2003 memo to the Commission from Director Shroufe, page 3, where it says "Expansion of the special tag program could be viewed as further erosion of the Arizona tradition of managing our big game resources to provide trophy experiences at affordable prices for the public hunter." Mr. Johnson stated that the Commission should actually be reducing the number to 1 from 2 because the general public hunter opportunity since 1984 has declined for every one of these species.

Commissioner Gilstrap commented that the Commission is trying to balance the number of tags with the number of dollars that goes to enhance habitat. By making an extra tag available as a raffle, if that raffle generates a \$100,000, then that's how much goes on the ground. It's true that it takes away one hunters opportunity, but it also enhances habitat and improves the species, and that's part of the balancing process.

David Laird, Vice President of AAF and also speaking as a member of the Wildlife Conservation Council, commented that the way this was originally composed, as a super raffle, was to benefit all wildlife and species in Arizona. The other idea behind this was to promote cohesion between all the sportsman's groups and get everyone working together.

Bruce Johnson addressed the Commission again and stated that as more tags become available the price may go down and there is no guarantee that the funds will increase with another tag.

Chairman Chilton stated that the Conservation Council looked into that issue and concluded that we might not raise a full third more, but that we will raise more. In addition, the dollar amount raised is important, but it isn't the only thing; it's a big part of the whole picture.

Vote: Aye Chilton, Gilstrap, Melton
Nay McLean, Golightly
Motion passed 3 to 2

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Meeting recessed for lunch at 1:25 p.m.

Meeting reconvened at 1:45 p.m.

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11. State and Federal Legislation

This was an agenda item from Friday, postponed to Saturday.

Presenter: Tony Guiles, Legislative Liaison

At the August Commission meeting, the Commission directed the Department to take a look at a variety of legislative proposals. The proposals were sent to the Governor's office and we have been waiting for their approval. This year the Governor's office said we didn't need their approval to move forward, however, we didn't receive word of that until October, so we lost some ground in having stakeholder meetings on some of these issues.

Mr. Guiles referred to the packet presented to the Commission on Friday titled Arizona Game and Fish 2005 Legislative Proposals, and gave an update on the seven proposals.

1. Arizona Game and Fish Department Fiscal year 2006 and 2007 Budget (We need to get legislative approval for this every two years).
2. License and Permit Fee Increase (Addressed next in agenda item number 5).
3. Bighorn Sheep Non-commercialization (At the Commission meeting in Safford the Commission directed the Department to pursue or at least draft legislation).
4. Increase In Watercraft and Registration Related Fees (This item was on Friday's agenda).
5. License Revocation and Civil Process Enhancement.
6. Immunity
7. Wildlife Feeding

These were all discussed at the August Commission meeting except item number 4, which is the increase in watercraft and registration related fees. Within the package provided, there is a flow chart that has the existing watercraft distribution fees and where those go. Basically there are two tiers, a registration fee and a watercraft license tax, which is levied according to the length of the watercraft.

Currently, 1.6 million dollars annually is the share that the State of Arizona would have to pay regarding the Lower Colorado River item that Senator Guenther spoke of yesterday. The proposal on the table was to increase the resident portion of the watercraft registration fee by \$1.00 and raise the non-resident by \$5.00 to get the Department allocations for that. That would bring in approximately \$250,000 to the Department. While talking about this, it was felt that if the Department was going to go forward with an increase we might as well look at the bigger picture, so a couple different models have been evaluated, generating additional revenue from the watercraft fund.

It's very hard with the current legislature to have them pass a tax increase. A lot of the bulk of the money coming from the watercraft fund is from the watercraft license tax. One of the items we thought may work is having a flat registration fee or a flat fee for registering watercraft. That would eliminate the tax or the levy per foot and combine it into a flat registration fee. The flat fee structure is modeled after Nevada and New Mexico, who both have flat fee structure.

The first thing we would want to try is to incorporate this into the bill that is going to be proposed on the Lower Colorado River. We are still having discussion with ADWR regarding whether their bill is going to be introduced in this legislative session. If not, then we could introduce our own bill if necessary.

After further discussion the Commission decided to take action.

Motion: Melton moved and McLean seconded THAT THE COMMISSION SUPPORT THE FLAT FEE, WATERCRAFT CATEGORIZED BY BOAT LENGTHS FOR RESIDENT AND NON-RESIDENT.

Vote: Unanimous

Mr. Guiles requested the Commission to give direction on which of the seven items they wanted to move forward with legislature.

Commissioner Gilstrap stated that we have to go with items 1 through 4.

Public Comment

Scott Heap, President of the south Eastern Arizona Sportsman Club, addressed the Commission regarding the revocation of licenses. He stated that a hunter legally killed an elk, took the hide and the horns and left the rest to waste. He was fined, but his license was not revoked and should have been. Elk tags are too valuable for waste like that and something needs to be done. Mr. Heap would like the Commission to look into this.

Jim Solomon commented that license revocation is a good idea, but what about those who don't have a license. What can be done about poachers who don't have a license or care about revocation. We need to do something else to deter those individuals like total confiscation of firearms, vehicles, camping gear, etc. We need to do something more than levy fines that will never be paid.

Chairman Chilton commented that we could change the proposal on the revocation to read - 'without a license' instead of 'while under lifetime revocation'. That would make it a class 6 felony instead of a class 5 felony and make it a bigger crime, which would effect how it would be treated in the court system.

Motion: Gilstrap moved and Melton seconded THAT THE DEPARTMENT MOVE FORWARD WITH LEGISLATION ON NUMBERS 1, 2, 3, 4, AND 8, WHICH IS THE SPECIAL TAG; AND DRAFT LANGUAGE AND SEEK SOMEONE (ie. STAKEHOLDERS, LEAGUE OF CITIES, COUNTIES, LAW ENFORCEMENT) TO RUN WITH NUMBERS 5, 6 AND 7.

Vote: Unanimous

5. Consideration of Legislation for an Increase to the Statutory Ceiling for License and Permit-tag Fees and for the Creation of a New Series of Hunting, Fishing, and Combination License Packages and their Corresponding Fees.

Presenter: Tony Guiles, Legislative Liaison

The Department provided the Commission with a briefing on the proposed increase to the statutory ceiling for license and permit-tag fees and on options for a new series of hunting, fishing, and combination license packages and their corresponding fees.

The Commission directed the Department to go out and seek public comment regarding a license fee increase. There were eight public meetings across the state. The total attendees who signed in was 128 individuals. Also, a press release was sent out to about 60,000 customers via email and comments were taken on the Department's website regarding these meeting; those comments have been provided to the Commission.

Common themes from the comments were: Youth pricing (don't price the youth out of participating), super conservation, add additional tags and stamps, Commission should adopt a time frame, proportional increase should be equal to or greater for non-resident versus resident, increase the number of special tags for auction to generate additional revenue, identify premium hunts, and the premium hunt opinion was split.

Supporting organizations were Wildlife Conservation Council, Arizona Flycasters, Yuma Valley Rod and Gun Club, ADBSS, and the South Eastern Arizona Sportsman's Club.

The Commission discussed the issues and options. Fisheries Branch Chief Larry Riley addressed the Commission and joined in the discussion to clarify some of the issues.

Mr. Guiles interjected to say that some of the particulars of this item can be resolved at the January 4th Commission meeting.

Public Comment

Jim Solomon commented that he would like to see special tags for fourteen year olds and under be half price. That would be a big encouragement to get kids involved.

John Koloszar stated that 36% of out of state hunters who apply put in for the premium early bull tag, that's only 235 tags. Another 30% put in for archery. What he sees happening is no differentiation between archery tags and gun tags, and what's going to happen is that they can save \$2500 by not putting in for the early season rifle tag and just switching to archery.

Chairman Chilton stated that Mr. Koloszar's point was taken and this issue could be fixed. Mr. Ferrell interjected to say that another fee structure will be brought back to the Commission.

Brian Dolan, President of ADBSS, stated that he has been supporting the fee increase and has found it to be a struggle. It would help to sell this to the legislature and the opposition if an intended time is stated for which these fees are going to be applicable. Some think it's going to happen next year. Also, it would help to state an intended maximum percentage that might be applied in any one year. In addition, information is not getting to out-of-state people.

Director Shroufe commented that the Department has looked at the cap as directed by the Commission, and now the Commission will probably have to talk to the legislature about how long it intends for this to be in effect. How this is implemented is up to the Commission on an annual basis. Once decided, the Commission still has to go through the rule making process each time and go to the public with those options. For now, Director Shroufe would like to see a cap established and then continue in the process.

Deputy Director Ferrell presented another structure regarding the archery. There are three options to think about: 1) Eliminate the premium elk and just go bull/cow. 2) Define premium elk as any season that starts prior to October 15 regardless of weapon type. 3) Considering archery and muzzleloader elk that starts prior to October 15, you can make the non-resident price \$1500 and the resident price either \$150 or \$200.

Public Comment

Gene Perlow stated that he doesn't know why the archery tag would be different than the rifle tag. In regards to premium elk, it doesn't make any difference whether using a rifle or a bow, they should pay the same price.

Blaine Bickford commented in regards to the fee increase. He stated that for residents the increase will happen slowly, but for non-residents, it's extremely aggressive. We need to treat others as we wish to be treated because we are non-residents when we leave our own state. Further, we should not call a particular hunt a premium hunt; all hunts are premium. Mr. Bickford went on to say that Arizona is a leader and needs to be careful about what they do because other states will follow suit.

Chairman Chilton commented that the fee increases proposed would actually bring Arizona up closer to the fees charged by other states.

Public Comment

Scott Heap with the South Eastern Arizona Sportsman's Club commented that his club is supportive of the increases. In addition, Mr. Heap suggested that the western states should sit down and discuss prices and fees so that everyone is basically the same.

Mr. Guiles clarified with the Commission what changes they would like to see in the proposals. These included: Use another description besides premium, make sure there is a family rate that makes it more feasible for family, we make it clear that this is a cap that allows appropriate increases and include that these rates are comparable to other states.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION APPROVE THE PROPOSED FEES WITH THE ADDITION OF THE YOUTH TAG STRUCTURE; THE RESIDENT/NON-RESIDENT FAMILY LICENSE IN BOTH HUNTING AND FISHING; AND NON-RESIDENT INCREASE ON DEER TAGS.

Chairman Chilton clarified that these changes would be drafted and presented at the January 4, 2005 Telephonic Commission meeting.

Vote: Unanimous

6. Request for Consideration of Mr. Eugene Perlow's Petition to Amend R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing, to Address Concerns Over Applicants Selecting Mixed Weapon Types Within the Same Application.

Presenter: Carlos Ramirez

The amendment would require each applicant applying for hunt permit-tags by drawing to select the same weapon type for each hunt number selected within the same application.

The Department received a petition from Mr. Eugene Perlow on July 7, 2004, requesting an amendment to R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing (Note: Mr. Perlow's petition was postponed twice). The objective of the proposed amendment is to create a restriction on an applicant's ability of mixing weapon types (rifle, bow, muzzle loader, handgun, and shotgun) and hunt numbers within the 5 hunt choices for the same genus on each application by revising Subsection H of the rule. The reason why the Petitioner believes the rule should be amended is because he believes that the majority of general season hunters are placing archery hunts as their 2nd and/or 3rd choices on their elk hunt permit-tag applications, which substantially influences the drawing odds of a dedicated "archery only" hunter getting drawn for an archery only hunt.

Public Comment

Gene Perlow addressed the Commission and stated that the rights of the individual and the minority are being compromised and/or neglected due to the majority rifle hunters putting archer hunts as their 2nd and 3rd choices, which dramatically changes the odds of an "archery only" hunter getting drawn for an archery only hunt.

Dick King with ABA commented to the Commission that he is a bow only hunter and agrees with Mr. Perlow on one hand because it would improve his odds of getting drawn. On the other

hand, Mr. King does not think it would be good for the archery industry overall and therefore it is not supported by ABA.

Scott Heap stated that he would hate to see this happen because to say you can hunt here and you can hunt there depending on method would further divide the hunting community.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO DENY THE PETITION SUBMITTED BY MR. EUGENE PERLOW TO AMEND R12-4-104, WHICH WOULD REQUIRE EACH APPLICANT APPLYING FOR HUNT PERMIT-TAGS BY DRAWING TO SELECT THE SAME WEAPON TYPE FOR EACH HUNT NUMBER SELECTED WITHIN THE SAME APPLICATION.

Vote: Unanimous

Chairman Chilton commented that she voted aye because of the sportsman's clubs, but that she understands and sympathizes with the archers.

Director Shroufe advised the Commission that on agenda items 7,9,10, and 11 there was a problem with the noticing requirement and they will be taking input only on these items and not making final decisions until the January 4th meeting.

7. Request to Approve a Notice of Final rulemaking for Article 9, Arizona Wildlife Conservation Fund Grants.

Presenter: Carlos Ramirez

This item regards a notice of final rulemaking to implement the new article 9, Arizona Wildlife Conservation Fund Grant program. This program is authorized under prop 202, which was passed by the voters two years ago. Basically what this does is this implements that program.

8. Request to Approve a Notice of Final Rulemaking to Amend Article 1 Rules to 1) Eliminate the Permit Fee for the Purchase of Bonus Points, and 2) Give the Commission Greater Flexibility in the Issuing of Restricted Nonpermit-Tags.

In response to recent customer concerns, the Department initiated rulemaking to eliminate the permit fee for the purchase of bonus points, and give the Commission greater flexibility in the issuing of restricted nonpermit-tags, particularly in order to bring elk populations in the Kaibab National Forest within management objectives.

Motion: Gilstrap moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING TO BE SUBMITTED TO GRRC TO AMEND RULES IN ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS. THE AMENDMENTS WILL 1) ELIMINATE THE PERMIT FEE FOR THE PRUCHASE OF BONUS POINTS, AND 2) GIVE THE COMMISSION GREATER FLEXIBILITY IN THE ISSUING OF RESTRICTED NONPERMIT-TAGS (FOR EXAMPLE, IN ORDER TO BRING ELK POPULATIONS IN THE KAIBAB NATIONAL FOREST WITHIN MANAGEMENT OBJECTIVES).

Vote: Unanimous

Mr. Ramirez continued with his presentations.

In addressing items 9, 10 and 11, the Department presented to the Commission the comments received so far by email and by telephone. Those comments concerned the various 10% cap alternative rulemakings. In regards to particular items, the creation of a loyalty bonus point, the increase of the bonus point pass percentage for the big game draw from 10 to 20 percent, the requirement to purchase a hunting license to apply for the draw, and the creation of a set aside percentage of big horn hunt permit tags for non-residence. Those rulemakings in general didn't particularly draw any more ire than they typically would. The one item that did draw the most comment was regarding the conservation bonus point program. Among the concerns presented by the public was that these conservation bonus point programs will not adequately allow those who are physically handicapped to participate and that it is more beneficial to those who are in wildlife organizations.

Public Comment

Brian Dolan, President of ADBSS, commented that although his organization supports the conservation bonus point, it really is an attempt to fix something that does not exist within their organization. There are a lot of details that need to be worked out in the rule, so he would like to see a delay in the implementation of this program.

The Commission requested that Mr. Ramirez put in another start date so that it doesn't start until after the fall draw.

Don Farmer, Arizona Wildlife Federation, commented on minors participating in work projects. Mr. Farmer has learned that other agencies such as the National Forest Service, Bureau of Land Management and US Fish and Wildlife Service are moving towards 18 years old and above due to insurance purposes. So, the conservation bonus point is very likely to eliminate 18 years and younger for the same reason. In addition, the AWF agrees with the general public that the conservation bonus point is going in the direction of an elitist mentality and will promote cronyism.

John Koloszar commented on several items. First, in regards to the conservation bonus point, physically impaired persons can earn their bonus points by doing necessary paperwork such as timekeepers, registration, calls ins, log ins, etc. Second, it's not the youth that the Game and Fish should be worried about, it's the middle age hunters who aren't hunting anymore because of less opportunity. Lastly, rather than the conservation bonus point being elitist, AES sees it as an open invitation to everyone to join.

Craig Hutton had to leave the meeting, but had written comments delivered to the Commission by Bruce Johnson.

Bruce Johnson addressed the Commission regarding oral proceedings for proposed rule making.

Mr. Odenkirk clarified that in order to comply with the Administrative Procedures Act, the oral proceedings have been set for January 4, 2005. Today, this item was already on the agenda and

the Commission is hearing comments from the Department and from the public, but it is not the official oral proceeding that is referred to in the statute.

Mr. Johnson stated that he understood the oral proceedings to be today and that January 4th was on a Tuesday and difficult to attend, so the Commission decided to hear him out after other members of the public have the opportunity to speak.

Blaine Bickford addressed the Commission in regards to the conservation bonus point asking for a clear definition of acceptable types of work and age restrictions. He understood in the beginning that it was only, on the ground, physical labor that would earn these bonus points.

Chairman Chilton commented that in the development process, issues regarding appropriate bonus point activity have been addressed, but not finalized. This program will not be implemented right away in order to collect ideas and have projects at different levels of physical requirements or time requirements available so that everyone can be accommodated.

Blaine Bickford also commented on the Bonus Point Pass percentage increase to 20%. This will remove the opportunity for new hunters and youth hunters to have an even break at those tags, making it a bad idea.

Bruce Johnson addressed the Commission and recapped the letter he previously sent to the Commission in regards to opposition of the conservation bonus point. Mr. Johnson asked the Commission how it was decided that 48 hours of volunteer labor would earn the bonus point.

Dana Yost responded for the Commission and stated that 48 hours was initially submitted by the Wildlife Conservation Council and has since been reviewed by the Department on several levels; it also seemed to have the majority of public support.

Mr. Johnson went on to voice other concerns and questions regarding the conservation bonus point including the demands for qualified projects and how many hunters would want to participate. Also, Mr. Johnson requested a copy of any studies the Department has relied upon to develop the conservation bonus point rule.

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Meeting recessed for a 5 minute break

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Chairman Chilton commented that she was not sure of Mr. Johnson's objective, but that Mr. Johnson was raising issues that deserve to be responded to and requested that Mr. Johnson submit in writing any further questions. After further discussion it was decided that Mr. Johnson could go ahead and ask his questions now, but that the Department may not respond until they have the opportunity to consider the facts.

Mr. Johnson stated that his objective is to make sure that this rule making process is done in a deliberative fashion in the open and in public view so that every hunter has the opportunity to understand what it means to them and to make comments to the Department.

Mr. Johnson began to ask his questions beginning with how the decision was made to allow multiple bonus points to be acquired. When Mr. Johnson realized that the Commission was not going to answer his questions at this time, he decided to wait and address the Commission at the January 4, 2005 Telephonic Commission Meeting.

Mr. Odenkirk advised the Commission that there will be an oral proceeding on January 4th and the agency will have an obligation to respond to issues that are raised during that oral proceeding. Mr. Johnson may have more questions and issues that he raises at that point and the agency will need to respond to those before any rule making record is closed.

Chairman Chilton responded that the Commission may decide to postpone this consideration until a later date; submit a new notice to the Secretary of State that would re-establish a new oral proceeding date, which would be the January Commission Meeting and re-open the opportunity for written comments for 30 days from the date of that notice.

Commissioner Melton clarified that this goes only for agenda item 9.3 regarding the conservation bonus point.

10. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to Require All Big Game Permit Applicants to Purchase a Hunting License to Apply for the Draw.

Presenter: Carlos Ramirez

With no Notice of Final Rulemaking, all that was done with this item is to take public input.

Public Comment

Brian Dolan, President of the ADBSS, reiterated his organizations support of this rule.

Tom Wagner asked where the Department was at with the online draw.

Director Shroufe responded that in all probability the next draw will be done by manual application due to not being able to get a new vendor in place.

Public Comment

Mr. Wagner continued with asking about where the Department stands in dealing with a Power of Attorney type of set up where the tags are actually going to the applicant themselves and not to a broker.

Commission Gilstrap stated that some outfitters will not like the rule.

Public Comment

Don Farmer asked if hunting licenses would be available on the Internet.

Director Shroufe stated that draw applications will not be available online but that licenses will.

11. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to Create a Set-Aside Percentage of Bighorn Hunt Permit-tags for Non-residents.

Presenter: Carlos Ramirez

With no Notice of Final Rulemaking, all that was done with this item is to take public input.

Chairman Chilton commented that the reason this is Big Horn Sheep only is because Elk and Deer is what specifically was taken to court and we are trying to do something about preserving opportunity for Big Horn Sheep.

Brian Dolan, President of ADBSS, thanked the Commission for this rule.

Regarding agenda item 9, Mr. Odenkirk stated that the problem is that the three proposals are all a part of one Rule Making Notice, which now makes it difficult to separate any one out without causing further delay in the process. To separate the conservation bonus point out would likely constitute a substantive change to the overall rule. If it's a substantive change, the statute requires a 30 supplemental change. If you do that, you will push this process beyond a point where these rules will be effective for next years fall hunt. So, you run the risk with regard to the bonus point pass and the loyalty bonus point, that those will not become effective if you don't complete the rule making process by the date that they have to be submitted by GRRC, which is January 12th.

Mr. Odenkirk will check with GRRC to see if the conservation bonus point can be separated from the agenda item 9 Rule Making Notice and the two remaining rules can proceed as usual.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION DIRECT THE DEPARTMENT, AND IN CONJUNCTION THE ATTORNEY GENERAL'S OFFICE, TO INQUIRE OF GRRC AS TO WHETHER OR NOT IT WOULD PERMIT US TO SEVER OUT NUMBER THREE (CONSERVATION BONUS POINT FROM AGENDA RULE NOTICE). IF THE ANSWER IS POSITIVE, THEN WE CONTINUE WITH THE HEARING OF ONE AND TWO (LOYALTY BONUS POINT AND BONUS POINT PASS) AS PREVIOUSLY CONTINGENT ON JANUARY 4, 2005. IF THE ANSWER IS NEGATIVE OR IF THERE IS NO ANSWER BY DECEMBER 17, THEN WE SCRUB THE ENTIRETY OF AGENDA ITEM 9 FROM THE SCHEDULE ON JANUARY 4TH AND LEAVE THE OTHER MATTERS TO BE HEARD, THAT WOULD BE AGENDA ITEMS 7, 10, AND 11.

Motion Amendment: Gilstrap moved and Melton seconded THAT THE COMMISSION DIRECT THE DEPARTMENT, AND IN CONJUNCTION THE ATTORNEY GENERAL'S OFFICE, TO INQUIRE OF GRRC AS TO WHETHER OR NOT IT WOULD PERMIT US TO SEVER OUT THE THREE (CONSERVATION BONUS POINT FROM AGENDA RULE NOTICE). IF THE ANSWER IS POSITIVE, THEN WE CONTINUE WITH THE HEARING OF ONE AND TWO (LOYALTY BONUS POINT AND BONUS POINT PASS) AS PREVIOUSLY CONTINGENT ON JANUARY 4, 2005. IF THE ANSWER IS NEGATIVE OR IF THERE IS NO ANSWER BY DECEMBER 17, THEN THE COMMISSION WILL DECIDE ON JANUARY 4TH WHETHER OR NOT TO SCRUB THE ENTIRETY OF AGENDA ITEM 9 FROM THE SCHEDULE AND LEAVE THE OTHER MATTERS TO BE HEARD; THAT WOULD BE AGENDA ITEMS 7, 10, AND 11.

Vote: Unanimous

12. Call to the Public

None at this time.

13. Future Agenda

Future agenda items noted by Mr. Ferrell.

- 1) Meet with the Arizona State Rifle and Pistol Association to work out language regarding the range fund MOU and if unsuccessful in resolving the dispute regarding that language then we would have an RFP ready for the January Commission Meeting.
- 2) Prepare recommendations in how to reduce the House Rock Buffalo Herd up to 50% or to meet objectives using a multi faceted approach to include hunt recommendations and trapping on the park. That recommendation would include the use of the radio collars to do a movement study.
- 3) Add item 17 and 18 from Fridays agenda to the February 2005 agenda.
- 4) Seek advice from GRRC on Monday and attempt to get an answer the same day regarding the separation of the three items in agenda item 9 from today's agenda and proceed with future Commission Meeting agenda based on the advice they give.
- 5) Review to date on the sheep and water research program on the Cabeza.
- 6) Provide a presentation by a land management agency on the habitat degradation caused by illegal aliens on the Cabeza.

Motion: McLean moved and Gilstrap seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned at 5:33 p.m.

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Sue Chilton, Chairman

W. Hays Gilstrap, Member

Joe Melton, Member

Michael M. Golightly, Member

William H. McLean, Member

ATTEST:

Duane L. Shroufe
Secretary and Director